

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12611 of George Washington University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to continue use of a parking lot as a college or university use in the R-5-C District at the premises 733-739 - 24th Street, N.W., (Square 42, Lot 844).

HEARING DATE: March 15, 1978

DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of the intersection of "H" and 24th Streets, N.W. and is known as 733-739 - 24th Street, N. W. It is located in an R-5-C District.

2. Board of Zoning Adjustment Order No. 11116, dated January 5, 1973 as amended March 20, 1973 was the most recent of the Board's conditional approvals of the continued use of the subject parking lot.

3. The existing parking lot on the site contains 59 parking spaces and contributes to the overall parking requirements of the university. The approved University Campus Plan provides for 2,700 to 3,000 parking spaces.

4. The parking lot is paved with an all weather impervious surface. The parking spaces are marked. The parking lot is well maintained and is kept free from refuse and debris.

5. The subject site is included within the George Washington University Campus Plan as approved by the Board. The site is designated for development during the third phase of the university campus development. There are no present plans to develop the site at the moment. Such development would occur at some undesignated future time.

6. The University's campus plan which was reviewed and approved in 1970 by the Board of Zoning Adjustment established a requirement for 2,700 thru 3,000 parking spaces. George Washington University must provide the physical facilities, including parking, which are essential to its staff, faculty, students, patients, attending physicians and visitors.

The faculty, staff and on-campus enrollment approximate 23,000 people; there is also a 500 bed hospital and a large medical out-patient load with its daily flow of visitors. In aggregate, there are about 24,000 to 25,000 people who expect to use the University's parking spaces each day.

7. The applicant further testified that sixty per cent of the University's parking spaces are in temporary surface lots that are future building sites. Last year, the University permanently lost sixty-two spaces from construction of the St. Mary's Court housing. The University will lose 356 next year from construction of the World Bank and the University's Academic Cluster. Some of that loss will be offset by terminating the PMI lease of a 220 car lot on square 103. However, the net loss will still be 136 spaces, which is about four per cent below the approved minimum. When the Cluster is completed, the University will again be within that requirement.

8. The nature and scope of the University's activities are not the typical 9:00 a.m. to 5:00 p.m., five day week operation. Much of the employment is a shift nature or teaching mode. Schedules change frequently limiting ability to use public transportation or car pools. Many of the work shifts begin or end after public subway transportation is operating.

9. The Municipal Planning Office, by report dated March 8, 1978, recommended approval of the application on the grounds that the subject lot is a temporary one and it helps meet the parking provision of the George Washington University Campus Plan and the Board so finds.

10. The Department of Transportation, by report dated March 17, 1978 and at the Public Hearing, recommended approval of the application for no longer than a four year period at which time they would reevaluate a reapplication to determine the accessibility by transit of the facilities served by the subject parking lot.

11. Advisory Neighborhood Commission 2A opposed the application because of the longstanding problems the Foggy Bottom-West End area has had with the noise, congestion and pollution emanating from the thousands of vehicles driven by commuters which clog the neighborhood each workday. The Advisory Neighborhood Commission's transportation policy is that they would oppose actions which would increase commercial parking in the subject area, (as in the matter of Application No. 12601) although it is in favor of meeting the resident's needs for parking. It was stated that the policy of the ANC is strongly influenced by the city's policies toward transportation, particularly the emphasis on encouraging use of mass transit and discouraging the use of the private automobile.

12. The Board is required by statute to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission. The Board finds that the ANC, in its report and testimony, has not specifically addressed the particular facts of this case in that the application would not increase commercial parking in the area, but rather would continue a University parking lot already in existence. The Board finds that both the Municipal Planning Office and the Department of Transportation have recommended that the lot be continued for an interim period of time, noting that even though the Foggy Bottom Metro Station is in operation, general conditions in the area have remained the same during the past few years. The Board finds that conditions are not likely to change materially until there is a greater Metro system in operation.

13. The West End Citizens Association and a private citizen in the neighborhood opposed the granting of the application. They concurred with the grounds stated by the Advisory Neighborhood Commission and, in addition, felt that developers and the applicant had a history of tearing down houses instead of rehabilitating them and then seeking approval of new parking lots or continuances of existing ones.

14. The Board finds that this lot has been in operation for many years, and that regarding this application, no houses have been torn down.

CONCLUSIONS OF LAW:

The Board concludes that an application for a special exception must be judged on the basis of the criteria set forth in the Zoning Regulations. The Board concludes that in this application, the application does comply with the requirements of Paragraph 3104.44 of the Zoning Regulations. The Board concludes that the lot by itself does not reasonably contribute to adverse traffic effect, and that the operation of the lot to this point has not had an adverse effect on the present character or future development of the area. The lot is at present reasonably necessary for existing uses in the area.

The Board concludes that it has given great weight to the issues and concerns of the Advisory Neighborhood Commission, but that the circumstances surrounding the present application are not such that the application falls within the objections of the ANC. The Board does conclude, however, that as the availability of mass transit increases with the opening of more Metrorail routes, it will be appropriate to review parking lots to determine if they are still reasonably necessary to the area in which they are located.

The Board takes note of the need for parking to serve the students, faculty, staff and visitors of the University. The Board notes that development of this property for use by the University is scheduled for some uncertain time in the future.

The Board notes that two other parking lot applications by the University were heard and decided by the Board at the same time as the present case. These applications can all be distinguished individually; this one is for the continuation of a University used lot, case 12601 is for the continuation of a commercially used lot and case 12610 is for the establishment of a new University lot.

Based on the above findings of fact and conclusions of law, it is therefore hereby ORDERED that the application is GRANTED subject to the following CONDITIONS:

- a. Approval shall be for a period of ONE YEAR which shall be subject to renewal in the discretion of the Board upon the filing of a new application in the manner prescribed by the Zoning Regulations.
- b. Maintenance and service vehicles up to 1.5 tons in weight and recreational vehicles and pickup trucks of students, faculty and staff, provided that they are no larger than nine feet by nineteen feet, may be permitted to park on the subject property.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming and all-weather impervious surface.
- d. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- e. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- f. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- g. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- h. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or

structures are otherwise permitted in the zoning district in which the parking lot is located.

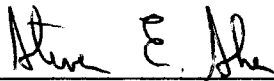
- i. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE:

4-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 26 APR 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.